

ORIGINAL

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Attorneys for American Family
Mutual Insurance Company

UNITED STATES DISTRICT COURT COUNTY

DISTRICT OF NEVADA

TONY PARKER,

Plaintiff,

vs.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, a corporation;
DOES I through X, inclusive, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO.: 2:11-cv-01514-KJD-RJJ

**STIPULATED CONFIDENTIALITY
ORDER**

AMERICAN FAMILY MUTUAL INSURANCE COMPANY (hereinafter referred to as
"AM FAM") will or may contend that some materials produced in this litigation are confidential
materials that need protection. To preserve and maintain the confidentiality of documents which
have been produced in this litigation, or which may be produced in the future by AM FAM or by
other parties and/or third parties, which documents may constitute or contain trade secrets and/or
other confidential or proprietary information, and to preserve and maintain the confidentiality of
information which may be disclosed, sought, or elicited in this litigation by way of certain trade
secrets and/or other confidential or proprietary information, the parties agree as follows:

IT IS HEREBY ORDERED THAT:

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I. Scope and Terms.

1. This Order shall encompass all confidential documents, materials, pleadings, data information, testimony, statements, or evidence of any type or nature whatsoever ("Litigation Materials"), without regard to form, which is generated, produced, elicited, sought, or obtained, whether formally or informally, at any time during the course of this litigation, including but not limited to appeals, which contain trade secrets. All parties understand that the Plaintiffs have not had the opportunity to see these materials before entering into this agreement and that nothing in this agreement is intended to represent that the Plaintiff agree or consent to any designation by AM FAM of any materials as truly confidential, trade secrets, or otherwise deserving of special protection.

2. As used in this Order, "Confidential Material" shall encompass any type of Litigation Materials, or any copies or portion thereof, designated as confidential, the information itself contained in such materials, and any document or other item of any type which is derived from such materials, including but not limited to copies and reproductions, notes or summaries pertaining to the Confidential Material, pleadings discussing the material, testimony discussing the material, correspondence incorporating or discussing the materials, statements pertaining the material, and exhibits.

II. Designation of Confidential Material.

1. If a party disagrees with a designation of confidentiality, the party shall notify AM FAM in writing. If the dispute cannot be resolved by agreement, the material designated as confidential shall remain confidential pending a ruling by the Court and the conclusion of any and all proceedings and appeals challenging such ruling. The party claiming confidentiality has the burden of proving the materials should be kept confidential.

Litigation Material other than documents produced by AM FAM may be designated confidential by other means reasonably sufficient to notify others that the material is subject to this Order. The designation of confidential deposition testimony, for example, is addressed by section III(5) of this Order.

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A confidential designation shall not constitute a representation by AM FAM that it has a reasonable basis to believe that the information is confidential, proprietary or contains a trade secret and that it has not been previously produced without a protective order, nor received into evidence in open court. AM FAM shall make good faith efforts to apply any stamp of confidentiality to the documents to be produced in a manner which will not cover or have contact with any writing print, photograph, graphics, chart, figures or other information contained on the document.

2. Only one copy of any Confidential Material shall be provided upon request to a party's designated attorney of record ("Designated Attorney"). All Confidential Material received by the Designated Attorney of record shall be controlled and properly secured by that attorney to prevent unauthorized access to, or reproduction of, the Confidential Material.

III. Use and Disclosure of Confidential Material.

1. Confidential Material shall not be used by any party receiving it, including the party's attorney or other representatives and expert witnesses, for any purpose other than directly for the legitimate litigation of this action or as set out herein.

2. Confidential Material shall be disclosed only to "Qualified Persons." Qualified Persons are limited to:

- a) The parties;
- b) Counsel of record for the parties;
- c) The non-technical and clerical staff employed by counsel of record;
- d) The independent personnel retained by counsel of record to furnish technical or other expert services or advise or to give expert testimony;
- e) Court reporters and translators and deposition transcript reporters and translators; and
- f) The Court and its authorized staff.

3. Confidential Material may be referred to or incorporated in briefs, affidavits, or other documents filed with this Court provided that such documents are filed with the Clerk of

1 Court under seal and prominently marked "Confidential Material Subject to Confidentiality
2 Order." A reasonably similar designation shall also suffice.

3 4. Nothing in this agreement is intended to have any effect on trial. If AM FAM
4 desires protection at trial, a separate motion must be filed by them. AM FAM understands that
5 Plaintiffs intend to use Confidential Materials at trial, and AM FAM may move for appropriate
6 confidential treatment of the materials at trial.

7 **IV. Return of Confidential Material.**

8 1. This Order shall survive the termination of this action. All Confidential Material
9 shall retain that designation and shall remain subject to this Order until such time, if ever, as the
10 Court renders a decision that any challenged material shall not be covered by the terms of this
11 Order and any and all proceedings and appeals challenging such decision are concluded.

12 2. Within thirty (30) days of the final termination of this action, or thirty days
13 following the expiration of any right of appeal of a final judgment all Confidential Material, all
14 copies thereof, and each document and all copies thereof which incorporates or references in
15 whole or in part, any Confidential Material, shall be returned to counsel for AM FAM.

16 3. Upon final termination of this action, or within thirty days following the
17 expiration of any right of appeal of a final judgment, all Confidential Material and all documents
18 or other materials containing Confidential Material, which have been filed with the Clerk of
19 Court under seal, shall be returned to AM FAM or made available for retrieval.

20 We consent to the within and foregoing order:

21 DATED this 16 day of January, 2012.

22 VANNAH & VANNAH

23 

24 JOHN B. GREENE, ESQ.
25 Nevada Bar No. 004279
26 400 South Fourth Street, Sixth Floor
27 Las Vegas, Nevada 89101
28 Attorney for Plaintiff

ATKIN WINNER & SHERROD



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Attorney for Defendant

ORDER

IT IS HEREBY ORDERED.

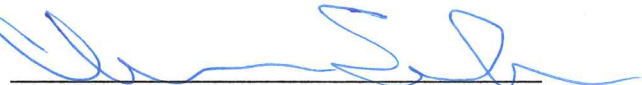


~~United States District Court Judge~~
United States Magistrate Judge

Dated: Jan. 20, 2012
United States District Court Judge
2:11-cv-01514-KJD-RJJ

Submitted by:

ATKIN WINNER & SHERROD, LTD.


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